

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

The Applicants acknowledge with appreciation the indication in the Office Action that claims 7, 8, 26, and 32 are directed to allowable subject matter. Allowable claim 8 has been rewritten in independent form as new claim 49 to include all features of base claim 1. Allowable claims 26 and 32 have similarly been rewritten in independent form as new claims 50 and 51, respectively, to include the limitations of base claim 1 and all intervening claims. Claims 17-21 and 25 have been amended to depend from independent claim 50, and claims 27 and 31 have been amended to depend from independent claim 51. Therefore, allowance of new claims 49-51 and all claims dependent therefrom is deemed to be warranted. New claims 36 and 43 recite the subject matter of allowable claim 7.

Fig. 23 has been amended as requested in the Office Action for overcoming the applied objection.

The specification has been amended in the manner suggested in the Office Action for overcoming the objections applied thereto. No new matter is believed to be introduced by the amendments of the specification.

Claims 1-4, 6-8, 16, 22-24, 26, 28-30, and 32 have been canceled, and claims 34-54 have been newly added. Claims 5, 9, and 12-15 have been amended to depend from independent claim 34 and claim 10 has been amended to depend from independent claim 35. New claim 52 recites features described at least in paragraph [0142] of the specification, and new claims 53 and 54 recite features of original claims 10 and 11 and depend from independent claim 42. The claims have been amended to avoid the issues underlying the 35 USC 112, second paragraph, rejections applied to claims 4-7, 10, 11, and 33. Support for the subject matter of the amended claims is provided at least in the original claims, Figs. 16 and 19, and paragraphs [122]-[138] and [142] of the published specification.

Claims 1-6, 9-25, 27-31, and 33 were rejected, under 35 USC §103(a), as being unpatentable over Koncar et al. (US 5,942,347) in view of Nagai et al. (EP 1,223,629). To the extent these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse based on the points set forth below.

New claim 34 recites features of original claims 1 and 4 and Fig. 16 and the accompanying description in the specification and defines a fuel cell having an electrolyte membrane that covers an

anode and cathode but whose edges do not reach fuel and oxidant gas manifold apertures.

It is submitted that Koncar and Nagai, taken alone or together, do not teach or suggest this subject matter.

Koncar discloses, in Fig. 4, an electrolyte membrane 25 that completely surrounds the fuel gas manifolds 54 and oxidant gas manifolds 55 of a fuel cell 15. Nagai is cited in the Office Action for disclosing a sealing member having a pointed rib and is not cited for supplementing the teachings of Koncar with respect to the disposition of an electrolyte membrane between an anode and cathode.

Accordingly, the Applicants respectfully submit that Koncar and Nagai, considered individually or in combination, do not render obvious the subject matter defined by new claim 34. Therefore, allowance of claim 34 and all claims dependent therefrom is deemed to be warranted.

New claims 35 and 42 recite features of original claim 6. Nagai discloses in paragraph [0109] that a pair of gasket lips have different cross-sectional shapes and one of the gasket lips has a flat surface portion. Nagai proposes that such a gasket configuration ensures the necessary sealing even if there is a large positional shift between the lips of the gasket. Koncar does not supplement the teachings of Nagai in this regard.

In contrast to the teachings of Koncar and Nagai, in the invention defined by claims 35 and 42, in a process of fabricating a unit cell by laminating a cathode-side separator plate fitted with a cathode-side sealing member, an MEA, and an anode-side separator plate fitted with an anode-side sealing member in this order, even if a part of the MEA overlaps with a lower part of the cathode-side sealing member, the sealing is ensured by a higher part of the sealing member, as described in paragraphs [0220] and [0221] of the Applicants' specification. That is, the claimed invention produces the effect of ensuring sealing even if there is a positional shift or misalignment of the MEA. Such specific effect and configuration of the claimed invention are not suggested by Koncar and Nagai.

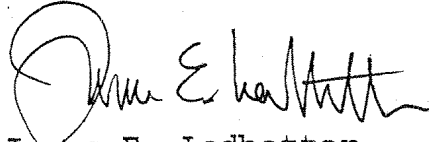
Accordingly, the Applicants respectfully submit that Koncar and Nagai, considered individually or in combination, do not render obvious the subject matter defined by new claims 35 and 42. Therefore, allowance of claims 35 and 42 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone

the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Ledbetter". The signature is stylized with a large, looping initial "J" and a cursive "E".

James E. Ledbetter
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